

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WILD FISH CONSERVANCY,

CASE NO. 21-cv-169

Plaintiff,

ORDER DISMISSING MOTIONS TO  
INTERVENE AS MOOT

v.

WASHINGTON DEPARTMENT OF FISH &  
WILDLIFE; KELLY SUSEWIND, in his  
official capacity as the Director of the  
Washington Department of Fish & Wildlife;  
BARBARA BAKER, in her official capacity as  
Chair of the Washington Fish & Wildlife  
Commission; MOLLY LINVILLE, in her  
official capacity as Vice Chair of the  
Washington Fish & Wildlife Commission;  
JAMES ANDERSON, in his official capacity as  
a member of the Washington Fish & Wildlife  
Commission; LORNA SMITH, in her official  
capacity as a member of the Washington Fish &  
Wildlife Commission; JOHN LEHMKUHL, in  
his official capacity as a member of the  
Washington Fish & Wildlife Commission; TIM  
RAGEN, in his official capacity as a member of  
the Washington Fish & Wildlife Commission;  
MELANIE ROWLAND, in her official capacity  
as a member of the Washington Fish & Wildlife  
Commission; and KIM THORNBURN, in her  
official capacity as a member of the Washington  
Fish & Wildlife Commission,

Defendants.

1 This matter comes before the Court on the Nooksack Indian and Tulalip Tribes of  
2 Washington's, Squaxin Island Tribe's, the Lummi Indians of the Lummi Reservation of  
3 Washington's, and the Puyallup Tribe of Indians' (collectively, "Prospective Intervenor")  
4 motions to intervene for a limited purpose in Plaintiff Wild Fish Conservancy's Endangered  
5 Species Act lawsuit against the named defendants to this action. Dkt. Nos. 50, 56, 57, 64. After  
6 the Prospective Intervenor filed their motions, the parties to this action filed a proposed consent  
7 decree purporting to resolve all claims. Dkt. No. 73. The Court requested supplemental briefing  
8 from the Prospective Intervenor in response to the proposed consent decree, and each Prospective  
9 Intervenor answered that the consent decree would moot their request to intervene. *See* Dkt. Nos.  
10 73, 76-79. The Court has since entered the consent decree. Dkt. No. 81.

11 Accordingly, it is ORDERED that the Prospective Intervenor's motions to intervene are  
12 DISMISSED as moot.

13 Dated this 8th day of August, 2023.

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16 Jamal N. Whitehead  
17 United States District Judge  
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